

Notice of Allowability

Application No.

10/007,061

Examiner

James S. Hogan

Applicant(s)

GONNELLI ET AL.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed.
2. ☒ The allowed claim(s) is/are 1-5 and 10-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa M. Treannie (Reg. No. 41,368) on March 14, 2006.

The application, in the claims, has been amended as follows:

1. (Currently Amended) An injection device comprising:

- an injector defining a first cavity and an orifice;
- a movable member in the first cavity;
- a housing defining a second cavity proximal of the movable member;
- and a charge in the second cavity, the charge comprising ~~at least two discrete materials capable of providing that providing a multi-stage reaction.~~ at least two propellants, or at least one propellant and at least one passive decay material, wherein the ignition of the charge produces a multi-stage reaction comprising ignition of the at least two propellants or ignition of the at least one propellants and at least one passive decay material in any predestined order.

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2. (Currently Amended) The device of claim 1, wherein the ~~discrete materials~~ at least two propellants, or at least one propellant and at least one passive decay material, have different combustion characteristics.

Claims 6-9 (cancelled)

15. (Currently Amended) A method of ejecting a fluid from a cavity in an injector comprising:

providing an injector defining a first cavity and an orifice; a movable member in the first cavity; a housing defining a second cavity proximal of the movable member, and a charge in the second cavity, the charge comprising ~~at least two discrete materials capable of providing a multi-stage reaction,~~ at least two propellants or at least one propellant and at least one passive decay material, that when ignited, produce a multi-stage reaction, and

igniting the charge's at least two propellants or at least one propellant and at least one passive decay material in any predestined order so that a fluid in the first cavity is ejected out of the cavity

18. (Currently Amended) The method of claim 15, further comprising selecting the at least two propellants or at least one propellant and at least one passive decay

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material discrete materials so that the fluid is ejected from the first cavity in a predetermined fashion.

Claims 20 and 21 are cancelled

Allowable Subject Matter

Claims 1-5, and 10-18 are allowed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
3/10/2006


David A. Scherbel
Supervisory Patent Examiner
Group 3700